

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Creation of A Low Power Radio Service	)	MM Docket No. 99-25
	)	
	)	
TO: Marlene H. Dortch, Secretary		
Federal Communications Commission		
ATTN: The Commission		

**MOTION FOR LEAVE TO FILE LATE-FILED COMMENTS**

CSN International ("CSN"), by its attorney, hereby respectfully requests leave to file comments in the above-captioned proceeding, even though the time for filing such comments has expired. In support thereof, it is alleged:

1. On December 11, 2007, the full Commission issued its *Third Report and Order and Second Further Notice of Proposed Rulemaking* in the above proceeding. It established a comment date 30 days after publication in the Federal Register. That date has long since expired but, in the intervening two year period, there have been numerous changes in the Commission's Rules and in the circumstances affecting the matters discussed in the *Third Report and Order and Second Further Notice of Proposed Rulemaking* ("R&O" and/or "NPRM"). Thus, it is appropriate to review the NPRM in light of changed developments.

2. At the time of the issuance of the NPRM, the Commission was confronted with some 7000 translator applications, filed in the Auction No. 83 window. At paragraph 53 the Commission expressed frustration that the processing of the huge number of pending translator applications would frustrate the development of the LPFM service and the Commission's efforts to promote localism. In an effort to solve this problem, the Commission announced its intention to impose a "cap" on the number of applications filed in the window. On March 4, 2008, the Media Bureau issued a Public Notice inviting applicants to voluntarily dismiss applications filed in the window in excess of 10 applications per filing entity. CSN, which had approximately 100 applications on file, complied with the cap and voluntarily submitted a list of applications to be dismissed. Other applicants, however, chose instead to file petitions for reconsideration. As a result, the Commission never accepted CSN's application to dismiss some of its applications and CSN withdrew the request.

3. In the meantime, however, processing of FM translator applications has been effectively frozen. There is still more than 7000 applications pending, and nothing has been done with these applications. They still need to be disposed of one way or another.

4. At the time of the release of the 2007 NPRM the Commission was concerned that a grant of translator applications would interfere with its efforts to promote localism. In the intervening years, however, the Commission has adopted new rules which allow local AM stations to own FM translators and use those translators to rebroadcast AM signals. Therefore, it is no longer true that a grant of FM translator applications is necessarily inconsistent with the Commission's efforts to promote localism. Many of the new translators which are granted will actually assist AM broadcasters in their efforts to serve their local communities.

5. There remains, however, the question of what to do about the more than 7000 translator applications which are still pending. Dismissal of these applications will not solve the problem. It will merely invite court appeals by applicants, such as CSN, who have invested many thousands of dollars in the preparation of their applications. Therefore, we suggest a method of disposing of the pending backlog which, we believe, will be fair to existing translator applicants and to future LPFM applicants, and will be effective in clearing the backlog speedily and effectively.

6. Specifically, we suggest that the Commission open a settlement window. During that settlement window, translator applicants should be permitted to negotiate with all other translator applicants, both commercial and non-commercial, and major changes in frequency (but only minor changes in location) should be allowed to resolve conflicts. Additionally, the restriction which prevents payments in excess of expenses for the withdrawal of applications should be removed during this limited settlement window. This will not result in a grant of 7000 applications. Quite the contrary. Large numbers of applications will have to be dismissed in order to avoid conflicts. At the end of the window, however, the backlog will be substantially reduced. We expect it to be reduced by at least 75%.

7. Furthermore, to insure a fair and equitable division of allotments between LPFMs and translators, the rules should be permanently changed to provide that both types of facilities be allocated on an equivalent secondary status, *i.e.*, neither LPFM nor translator facilities should be permitted to interfere with full service stations, but neither LPFM nor translator facilities should be superior to another facility or application in the other service. Otherwise, one service will poach on the facilities available to the other service. For the same reason, the rules should be changed to allow a translator station to move to any available,

alternate, channel in order to avoid conflict with another existing facility or application. This is the same capability presently permitted for LPFM stations and applicants for LPFM construction permits. The key point is to allocate both LPFM stations and translator stations on the same protected contour basis. The current spacings requirements for LPFM stations unduly restrict the allotments available for that service and complicate the allocations process.

8. Once the window is closed, plenty of spectrum will remain for a future LPFM window. This will be especially true if the Commission adopts our suggestion that the LPFM rules be changed to allocate LPFM stations like translator stations on the basis of a protected contour concept, instead of a spacings concept. This will further increase the availability of new allocations for new LPFM stations. If all these suggestions are adopted, we estimate that at least 10,000 potential facilities will remain for future LPFM stations.

9. Acceptance of these late-filed comments will in no way delay this proceeding or prejudice the rights of any other parties. Acceptance of the suggestions made herein will, however, resolve a long-standing problem to the benefit of both translator applicants and future LPFM applicants.

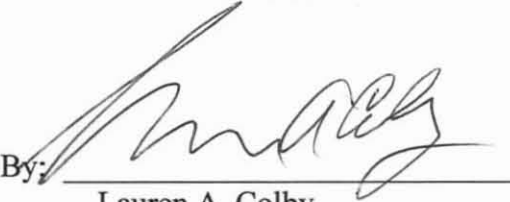
November 10, 2009

Respectfully submitted,

CSN INTERNATIONAL

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